

Ravalli County Planning Board Subcommittee
Meeting Minutes for March 31, 2009
9:00 a.m.
MSU Extension Meeting Room, 215 S. 4th Street, Hamilton, Montana

Public Meeting
Discussion on Subdivision Regulation Revisions

This is a summary of the meeting, not a verbatim transcript. Cheryl Tenold took meeting minutes.

1. Call to order

Ben Hillicoss called the meeting to order at 9:01 a.m.

2. Roll Call

(A) Planning Board Members Present

Mary Lee Bailey
Ben Hillicoss
Chip Pigman
Les Rutledge
Cheryl Tenold
Lee Tickell

(B) Planning Staff Present

Randy Fifrick

(C) Public Present

Bob Scott

3. Approval of Minutes

Ben Hillicoss asked if there were any corrections or additions to the minutes from March 24, 2009. The minutes were approved as corrected over email.

4. Amendments to the Agenda

There were none.

5. Old Business

(A) Discuss objectives of today's meeting as required

We will finish with everyone's comments on 1 a, b and a quick review of other county subdivisions.

Randy would like agendas emailed so they can be posted on the website along with the notification of the meeting. The Planning Dept is still working on list serve, searchable PDF, and more updates.

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Lee Tickell asked Randy to check into File Transfer Protocol (FTP) for uploading, downloading, and sharing files.

Randy said that Planning Department will work on getting regulations from other counties for the subcommittee to review.

(B) Continue with the review of people's comments on items 1 and 2 of the Planning Department memo

(i) Item 1

Chip in response to item 1A- the content is probably fine, but it could be better organized.

Les regarding user friendliness- article and major topics on one of the other regulations looked at were centered on the page, and in bold, making it easier to spot. All caps of different or larger fonts would be helpful.

Chip stated that Gallatin County has sequential numbering which makes it much easier to find things quickly.

Ben has Lewis and Clark County and it's easier to read because the font is larger, there are bold headings, and everything is listed in the index. It may make it larger, but it's easier to use.

Les commented on 1D, in regards to the language being clear and concise and will provide a copy of his notes to be included in the minutes. He feels most definitions are good. There is poor sentence structure and many sentences that are overlong. There's a section on transfer without a definition of what that section is about. An introductory paragraph at the beginning of each section would be helpful.

1.) Examples of clear and Concise language

- a) 3.3.6 thru V
- b) 3.3.3 (a) -3.1.4 (a)
- c) 3.5.1 prelim statement
- d) 5.4.5, 5.15 (e)
- e) Most definitions

2.) Many Paragraphs: poor sentence structure and sentences too long

- a) 3.1.3, 1st sentence should be two or three
- b) P. 3.5 A (1)
- c) P. 3.6 A-2nd paragraph
- d) 3.38 d. i
- e) 4.7 (e)
- f) 4.8 (a) i
- g) 5.21 (c)
- h) 5.22 I is confusing, as is ii
- i) 3.1.2 (a thru e)- no mention of "transfer"

- 3.) Terms adequately defined.
Most are, but see 3.1.2- transfer of title

Ben agreed with most of the comments from the previous meeting, but thinks that our document could use some things to make it more easily readable. "How to read or use this document", as a section, may be helpful to different types of people that would be reading this document. A developer that is very familiar with it will have different needs than the person who is doing a small, one time subdivision, or a first time user.

Ben feels that, in general, most definitions are good.

Chip was in the Planning Department and overheard a lady that was having a problem with Subdivision for Rent or Lease. There are different interpretations in case law and its not clear for anyone.

Ben feels that if we could have some examples of how to use different kinds of development, along with their guidelines, it may help people get through what it is they really need. Like a FAQ section or pamphlets for the public.

Les has yet to see a regulation with an index, so everyone has to use the table of contents. An index would make it easier to find specific things.

Mary Lee would like to hear the input of someone that has done a subdivision to know what things they think are missing. She feels that our regulations are written like a term paper.

Chip if we create a more consistent product for the staff and the Board, it will be more useable for everyone concerned. Each developer is going to have a different interpretation of the same document.

Ben there should be an outline where the developer can fill in the blanks. If there was a consistent submittal format, it may be easier for everyone concerned.

Bob Scott spent 30 years in engineering and feels that consultants love detailed regulations. The options available, lack of clarity and ambiguity is what causes problems for developers.

We will answer 1 c, d, and e as we come across them in the document.

(ii) Item 2 - Application, Plat and Process comments

Les when the Planning Board receives the Planning Departments staff summary, the front page has about a two sentence summary and it does not include a basic description of the project. A set format to be included in the summary would make it easier to use in the review process.

Ben a little history would be nice to be included, as some of these have been seen more than once.

Mary Lee the history of the land use prior to the subdivision would also be helpful.

The regulations use the word advice and recommendations and it should be clarified or made consistent. How does the BCC use what the Planning Board recommends or advises? 3.2.6

Chip said that the Board has never submitted written advice to the BCC, other than the Planning Department sending our vote to the BCC.

The Regulations for the Public Hearings and Procedural says that the Planning Board is present at the hearing, but we haven't ever been there. Do they want a person from the Planning Board present at the hearing? It probably means staff.

Ben is very frustrated with the Planning Department because he has yet to receive a copy of what is given to the BCC prior to a hearing.

Mary Lee the Commissioners don't really get the meat of what happens in our meetings. The minutes are brief. There is nothing that shows in the minutes identifying who agrees or disagrees with the results of the vote on the 6 criteria. It is not clear and not followed as to what the BCC expects of the Planning Board. We need to clarify with the BCC what our role is and an overall organizational chart. If we are to serve our roll well, there should be a minority report with each decision made so that the BCC gets all sides of the issue.

Bob Scott has the impression that there may not even be a majority report.

Les corrected him to say that there is a report. State law says that the Planning Department is a creature of the Planning Board. He sees the Planning Department as an independent agency. If something is not taken up at the Planning Board meeting, it just moves on to the BCC. If there is a large discussion on the loss of agriculture, is that reflected in the minutes? The presence of a Planning Board person to be at the public hearing should not be needed if the report is complete.

Ben agrees with Mary Lee that the procedure is not being followed, as outlined in section 3.2.3 of the Regulations.

Chip wonders what our role is. If the BCC is going to put 6 hours into a public meeting for a subdivision, what are we doing? If the BCC wants to get into the minutia of a 6 hour public hearing, what are we doing reviewing them first? It makes sense on a large, controversial subdivision, but something that is small, with no complications, still goes through a huge public hearing, as if the Planning Board recommendations and comments are ignored.

Mary Lee, Chip and Ben the feeling is that the BCC is not aware of anything that we do.

Mary Lee we are volunteers. If we put our time, energy and effort into a subdivision review, or the regulation review, it should be used and recognized.

Bob Scott there are places where the Planning Board is subtly taken out of the process. The public is in an even worse position because they would have to attend every meeting of every Board to have a view heard.

Les suggested that we offer a major change in 3.2.6 to have the Board provide a report that is included in the introduction of a public hearing with the BCC to include a written report, and a verbal report from a representative of the Planning Board.

Lee suggested that we ask for a County Commissioner present at all of our meetings. If there's a minority voice, they could be present as well.

Chip if we're going to spend an evening reviewing a subdivision, they shouldn't need a 6-hour public hearing. Why do they need us? If they listened to our recommendations, they shouldn't need a 6-hour meeting. If the BCC doesn't want our input, or are going to ignore it, we shouldn't be wasting our time.

Mary Lee has worked on things they were asked to work into something, they took it to the commissioners, and then it was ignored. Let's find out ahead of time, if we are going to truly have a role before we get to involved.

Ben says that on page 116, Article 5- High Fire Hazard Areas, there are several things that were proposed to the BCC that are not included. There are key points that were left out between the committee and the BCC finalizing it. We come up with recommendations, they get watered down, or they are ignored entirely.

Lee thinks that we should define the role we want to play. Single document negotiation is the way to handle this.

We all agree that we are going to continue giving the input in the hopes that we are listened to.

Mary Lee what if we redid this public hearing process section (3.2.6), took it to the BCC, see how it shakes out before we get too far in the process?

Les feels that we should continue our assignment, without floating the test.

Mary Lee is going to create a draft of the revision of 3.2.6.a and it will be brought to the next meeting for discussion. It will be a trial run of the single document negotiation while we continue the process.

Bob Scott the Planning Board needs an opportunity, prior to section 3-14, page 56, to answer the probable impacts before the sufficiency review. Right now, the Planning Board gets it as a done deal, and no more questions are allowed because they've already achieved sufficiency according to the Planning Dept, but not the Planning Board.

Lee suggests that we download the document and make specific changes, line by line, rather than provide random examples from various sections. He's done with the document that John Lavey gave us, other than using it as a guideline for what we should specifically look for in the document.

Les feels that we should take on the process as outlined by John Lavey.

We have unanimously agreed to answer the questions in a general sense and then provide the detail as we go through the document.

Randy feels that it will not be as the planning department asked for it if we provide a marked up copy of the revisions. We are supposed to write a report with general topics and examples.

6. **Next Subdivision Regulation Revision Subcommittee Meeting: April 7, 2009, at 9:00 a.m.**

7. **Adjournment**

Ben Hillicoss adjourned the meeting at 11:25 a.m.